

Message Text

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 7077

INFO CSAF (JACI) WASHDC

DOD (GENERAL COUNSEL)

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3 CSG CLARK AB

C O N F I D E N T I A L MANILA 12194

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: MRS. JEAN WALDEN

REF: MANILA 9889 DTG 180930Z JULY 75

1. EMB APPROACHED CHIEF STATE PROSECUTOR NOCON TO EXPLAIN CIRCUMSTANCES THAT HAVE DELAYED MRS. WALDEN'S RETURNING TO PHILIPPINES. COPY OF LETTER FROM DOCTOR PROVIDED NOCON. WHILE EVIDENCING SURPRISE THAT MRS. WALDEN HAD NOT RETURNED, NOCON, AFTER REVIEWING SITUATION AND LETTER, APPRECIATED DIFFICULTY.

2. NOCON RELIEVED WHEN INFORMED MRS. WALDEN HAD FORMALLY WAIVED APPEAANCE AT TRIAL AND SUCH HAD BEEN ACCEPTED BY COURT. HE AGREED THAT THIS PROCEDURE ALLEVIATED ANY IMMEDIATE PROBLEMS AND ACQUIESCED IN WALDEN REMAINING IN U.S. UNDER THE CIRCUMSTANCES UNTIL COURT READY TO PROMULGATE DECISION.

3. HOWEVER, HE STRESSED ABSOLUTE NECESSITY FOR WALDEN TO RETURN AT TIME DECISION TO BE MADE BY COURT. HE REALIZED
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PROBLEMS INVOLVED, BUT STATED DEPT OF JUSTICE SIMPLY HAD NO

AUTHORITY IN THIS REGARD AS PHIL LAW IS UNEQUIVOCAL ON NEED FOR DEFENDANT TO BE PRESENT AT TIME COURT DECISION MADE AND MATTER COMPLETELY OUT OF JUSTICE DEPT'S HANDS AND FULLY WITHIN JURISDICTION OF COURT.

4. HE WAS INFORMED AF WAS STILL WORKING ON APPROPRIATE ARRANGEMENTS FOR HER RETURN. HE REPLIED THAT HE HOPED NO PROBLEM WOULD ARISE AS DEPT OF JUSTICE WOULD BE DIRECTLY CRITICIZED FOR CONCURRING IN HER INITIAL DEPARTURE, AND COURT MAY FEEL NECESSARY TO BRING CONTEMPT PROCEDURES AGAINST ALL INDIVIDUALS THAT ALLOWED A PERSON TO DEPART PHILIPPINES WHILE UNDER COURT JURISDICTION. HE ALSO ADDED THAT IF PROBLEM SURFACED, UNDOUBTEDLY SECTY OF JUSTICE WOULD DISALLOW ANY FUTURE EMERGENCY LEAVE DEPARTURES UNDER INFORMAL ARRANGEMENTS THAT HAVE WORKED SO EFFECTIVELY IN PAST.

5. COMMENTS: WHILE NOCON, AS USUAL, WAS FULLY UNDERSTANDING AND EXTENDED ALL ASSISTANCE POSSIBLE, HE WAS DEFINITELY CONCERNED OVER POSSIBLE COMPLICATIONS. IN THIS CONNECTION, EMB APPRECIATES EFFORTS BEING MADE BY AF TO RESOLVE TRANSPORTATION PROBLEMS WHICH APPEAR TO BE MAIN STUMBLING BLOCK. HOWEVER, EMB AGAIN WISHES TO STRESS THE DIRECT MILITARY INTERESTS IN THIS CASE WHICH WOULD SEEM TO JUSTIFY SPECIAL TREATMENT AND PROCEDURES TO INSURE WALDEN'S RETURN TO PHILIPPINES. BESIDES PUTTING EMERGENCY LEAVE PROCEDURES IN JEOPARDY AND PROVIDING REASON FOR GOP TO RESURRECT OLD CONCERNS ABOUT CRIMINAL JURISDICTION IN GENERAL, FAILURE OF WALDEN TO BE PRESENT FOR COURT DECISION MY CAUSE COURT TO INDEFINITELY POSTPONE DECISION THUS FURTHER INCONVENIENCING CO-DEFENDANT LEOPOLD, WHOSE HUSBAND, SGT. LEOPOLD, HAS ALREADY BEEN EXTENDED FAR PAST HIS ORIGINAL DEROS.
SULLIVAN

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